

REMARKS

1. Status of the Claims

Upon entry of the above amendments, Claims 1-39 have been canceled and new Claims 40-64 are pending in this application.

2. Election/Restriction

In the instant divisional application, Applicants elect to pursue Restriction Group III of the January 13, 2003 Restriction Requirement imposed in parent application 09/943,420, drawn to compounds of the invention wherein Y is NR^nR^p , corresponding composition and method of use. Please note that since the restriction requirement was based on claims presented in a preliminary amendment, claim numbers and formulae in the present application do not correspond.

3. Summary of the Amendments

The specification has been amended on page 1 to identify the instant application as a divisional application of USSN 09/943,420. For the instant application, the claim to U.S. Provisional Application No. 60/229,572, filed August 31, 2000 has been withdrawn.

Claims 1-39 have been canceled without prejudice or disclaimer. Applicants reserve the right to pursue these claims in a continuation or divisional application at a later date.

Claim 40 is drawn to compounds of formulae (X), (XII), (XVI), and (VIII) wherein Y is NR^nR^p , Restriction Group III of the Restriction Requirement in parent application 09/943,420. Claim 40 is based on claim language found in the original claims as filed, which have been modified to delete references to "non-elected" inventions. Support for this claim can be found, for example, on page 2, line 10 through page 4, line 31; page 41, lines 8 and 29; page 48, lines 27-30; of the specification as filed, and original Claims 1, 16, 31, and 33-35. The definition of R^2 has been modified in Claims 40 and 44 to include the proviso found on page 4, lines 30-31, wherein when Y is NR^nR^p , then the R^2 attached to that Y is not a covalent bond or methylene.

Claim 41 is drawn to compounds wherein R^1 is chloro or methyl, and is supported, for example, on page 49, lines 1-2; page 50, lines 14-15; page 51, lines 1-2; and original Claims 31 and 34.

Claim 42 is to specific values of X, and is supported, for example, by page 41, line 27; of the specification as filed, and original Claim 14.

Claim 43 is to specific values of Y, and is supported, for example, page 42, lines 17-18 of the specification as filed, and original Claim 22.

Claim 44 is to specific values of R^2 , and is supported, for example, by page 41, lines 12-16 of the specification as filed and original Claims 6-7.

Claim 45 is drawn to compounds wherein Q is methylene, and is supported, for example, on page 50, lines 8-11, 13-14; and page 51, line 1 of the specification as filed, and original Claims 34-35.

Claims 45-47 claim compounds of the invention wherein w is 0, 1, or 2, respectively. Support for these amendments may be found, for example, on page 42, lines 25-27 of the specification as filed, and original Claims 23-25.

Claims 49-56 are drawn to compounds of formulae (X), (XII), (XVI), and (VIII), (XX), (XXIX) and formula (XXX), and are supported by page 48, lines 27-29; page 50, line 8 through page 51, line 2 of the specification as filed, and original Claims 33-35.

Claims 57-60 are to specific compounds of the invention, and are supported by Table I found on page 5, line 16 through page 35, line 1 of the specification as filed, and original Claim 36.

Claim 61-62 are to a pharmaceutical composition, and are supported by page 5, lines 1-2; page 52, line 7 through page 59, line 30 of the specification as filed, and original Claim 37.

Claims 63 and 64 are to a method of treatment, and are supported by page 5, lines 3-9; page 60, lines 1-6; page 99, line 20, through page 101, line 16, and original Claims 38 and 39.

Entry of the above amendments prior to examination is respectfully requested. No new matter has been added.

Should there be any issues that can be resolved by telephone, the Examiner is invited to telephone Roberta Saxon, an agent of record for Applicants at (650) 808-3764, or the undersigned agent at (650) 808-6144.

Respectfully submitted,

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